

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON LOCAL GOVERNMENT**

**Call to Order:** By Chairman Elsie Arntzen on February 15, 2007 at 3:13 P.M., in Room 172 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Elsie Arntzen, Chairman (R)  
Rep. Wayne Stahl, Vice Chairman (R)  
Rep. Brady Wiseman, Vice Chairman (D)  
Rep. Duane Ankney (R)  
Rep. Mark Blasdel (R)  
Rep. Bob Ebinger (D)  
Rep. Wanda Grinde (D)  
Rep. Betsy Hands (D)  
Rep. Pat Ingraham (R)  
Rep. Hal Jacobson (D)  
Rep. William J. Jones (R)  
Rep. Deborah Kottel (D)  
Rep. Gary MacLaren (R)  
Rep. Bill Nooney (R)  
Rep. Jesse O'Hara (R)  
Rep. Diane Sands (D)

**Members Excused:** None.

**Members Absent:** None

**Staff Present:** Sonja Lee, Legislative Branch  
Pam Schindler, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted:	HB 425, HB 588, HB 589, HB 551, 2/8/2007
Executive Action:	HB 265, HB 252, HB 524, HB 596, HB 582, HB 489, HB 295

**HEARING ON HB 551**

**Opening Statement by Sponsor:**

00:01:49 Rep. Arlene Becker (D), HD 52, opened the hearing on HB 551, County costs for pre-commitment evaluation for mental illness.

**Proponents' Testimony:**

00:05:50 Bill Kennedy, Yellowstone County Commissioners  
00:09:57 Cindy Peterson, Hill County Attorney, Montana County Attorneys Association  
00:15:49 Doug Kaercher, Hill County Commissioners, Montana Association of Countys  
00:17:11 Kevin Gillen, Yellowstone County Commissioners  
00:19:16 Michael Harris, Legislative Liaison, Gallatin County Commissioners  
00:19:39 Brent Linneweber, Park County Attorneys, Park County Commissioners, Montana County Attorneys Association  
00:24:04 Leo Gallagher, Lewis and Clark County Attorneys, Montana County Attorneys Association, Montana Association of Countys  
00:29:26 Carl Seilstad, Fergus County Commissioners  
00:32:13 Don Rieger, Fallon County Commissioner

**Opponents' Testimony:**

00:33:28 Bob Olson, Vice-President, Montana Hospital Association  
[EXHIBIT\(loh34a01\)](#)  
00:39:09 Jani McCall, Billings Clinic  
00:44:09 Anita Rossman, Attorney, Montana Advocacy Program

**Informational Testimony:**

00:51:55 Ed Amberg, Director, Montana State Hospital, Warm Springs, Montana

**Questions from Committee Members and Responses:**

00:52:28 Rep. Kottel  
00:53:13 Rep. Becker  
00:58:44 Rep. O'Hara  
00:59:06 Ms. Rossman  
01:02:17 Rep. Wiseman  
01:02:47 Ms. Peterson  
01:04:02 Rep. Hands  
01:04:46 Ms. McCall  
01:06:33 Mr. Gillen

**Closing by Sponsor:**

01:09:54 Rep. Becker

**HEARING ON HB 588**

**Opening Statement by Sponsor:**

01:12:31 Rep. George Everett (R), HD 5, opened the hearing on HB 588, Add exempt sale provision to subdivisions exempt from review.

[EXHIBIT\(loh34a02\)](#)

**Proponents' Testimony:**

01:13:51 Jeff Larson, Former Chairman, Flathead County Planning Board, Civil Engineer

01:18:28 Rick Breckenridge, Registered Land Surveyor

01:21:19 Russ Crowder, Executive Director, American Dream Montana, Former Board Chair, Flathead County Planners

01:27:16 Charles Lapp, Flathead County Planning Board

01:29:56 Joe Roberts, Montana Association of Registered Landowners

01:30:59 Dustin Stewart, Montana Home Builders Association

**Opponents' Testimony:**

01:31:21 Myra Shultz, Land Use Attorney

[EXHIBIT\(loh34a03\)](#)

01:34:33 Janet Kempff, Licensed Land Surveyor

[EXHIBIT\(loh34a04\)](#)

[EXHIBIT\(loh34a05\)](#)

[EXHIBIT\(loh34a06\)](#)

01:36:56 Tammy Magill, Montana Association of Planners

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:40:28 Rep. Ankney

01:41:21 Mr. Larson

01:43:17 Rep. Everett

01:44:10 Rep. Nooney

01:44:28 Mr. Larson

01:47:04 Rep. Everett

01:48:38 Rep. McLaren

01:48:48 Rep. Everett

01:49:29 Rep. Lapp

01:50:22 Rep. Ebinger

01:50:58 Rep. Everett

**Closing by Sponsor:**

01:51:35 Rep. Everett

01:52:08 Break

03:38:00 Reconvene

The Audacity Program started over due to the length of time between Break and Reconvene. The House Local Government Committee reconvened at 6:53 P.M.

**HEARING ON HB 589**

**Opening Statement by Sponsor:**

00:00:27 Rep. George Everett (R), HD 5, opened the hearing on HB 589, Revise criteria for first minor subdivision.

[EXHIBIT](#)(loh34a07)

**Proponents' Testimony:**

00:01:38 Jeff Larson, Flathead County Planning Board

00:03:12 Russ Crowder, American Dream Montana

00:03:29 Michael Harris, Gallatin County Liaison

00:03:36 Justin Stewart, Montana Building Association

00:04:42 Glen Oppel, Montana Association of Realtors

00:04:58 Joe Roberts, Montana Association Real Estate Landowners

00:05:21 Rick Breckenridge, Registered Land Surveyor

**Opponents' Testimony:**

00:07:43 Myra Shultz, Land Use Attorney

[EXHIBIT](#)(loh34a08)

00:10:13 Tammi Magill, Montana Association of Planners

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:12:41 Rep. Nooney

00:13:07 Rep. Everett

**Closing by Sponsor:**

00:13:47 Rep. Everett

Exhibit for HB 589 received through the mail.

[EXHIBIT\(loh34a09\)](#)

**HEARING ON HB 425**

**Opening Statement by Sponsor:**

00:15:56 Rep. Jon Sesso (D), HD 76, opened the hearing on HB 425, Revise subdivision and platting act.

**Proponents' Testimony:**

00:28:36 Tammi Magill, Montana Association of Planners  
00:35:19 Michael Kakuk, Montana Association of Realtors  
00:38:58 Janet Kempff, Licensed Land Surveyor  
00:39:25 Myra Schultz, Montana Association of Counties

**Opponents' Testimony:**

00:39:45 Rick Breckenridge, Registered Land Surveyor  
00:43:41 Jeff Larson, Flathead County Planning Board  
00:45:22 Russ Crowder, American Dream Montana  
00:45:49 Joe Roberts, Montana Association of Registered Land Surveyors

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:49:46 Rep. Hands  
00:50:51 Mr. Kakuk  
00:52:29 Mr. Larson  
00:53:08 Rep. Ingraham  
00:54:21 Mr. Kakuk  
00:55:41 Ms. Schultz  
00:56:23 Rep. Sesso  
00:57:21 Rep. Wiseman  
00:57:41 Rep. Hands  
00:58:16 Mr. Kakuk  
00:59:49 Rep. MacLaren  
01:00:09 Mr. Kakuk  
01:01:27 Rep. Stahl  
01:02:27 Mr. Kakuk  
01:09:33 Rep. Nooney  
01:10:25 Mr. Breckenridge  
01:12:58 Rep. Stahl  
01:13:28 Ms. Magill

**Closing by Sponsor:**

01:17:13 Rep. Sesso

**EXECUTIVE ACTION ON HB 265**

01:21:59 **Motion:** Rep. Jacobson moved that **HB 265 DO PASS.**

**Discussion:**

01:22:13 Rep. Stahl  
01:22:53 Rep. Ebinger  
01:24:19 Rep. Wiseman  
01:24:45 Rep. Arntzen  
01:25:16 Rep. Ebinger

01:26:29 **Vote:** Motion that **HB 265 DO PASS** carried 12-4 by roll call vote with Reps. Stahl, Blasdel, Ingraham, and Jones voting no.

**EXECUTIVE ACTION ON HB 252**

01:27:27 **Motion/Vote:** Rep. Stahl moved that **HB 252 BE TABLED.** Motion carried unanimously by roll call vote.

**EXECUTIVE ACTION ON HB 524**

01:29:44 **Motion:** Rep. Stahl moved that **HB 524 DO PASS.**

01:29:50 **Motion:** Rep. Ingraham moved that **HB 524 BE AMENDED.**  
**EXHIBIT**(loh34a10)

**Discussion:**

01:31:35 Rep. Stahl  
01:32:02 Sonja Lee, Legislative Services

01:32:06 **Vote:** Motion that **HB 524 BE AMENDED** carried unanimously by voice vote.

01:32:24 **Motion/Vote:** Rep. Jacobson moved that **HB 524 DO PASS AS AMENDED.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 596**

01:33:18 **Motion/Vote:** Rep. Sands moved that **HB 596 DO PASS.**  
Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 582**

01:34:10 **Motion:** Rep. Wiseman moved that **HB 582 DO PASS.**

**Discussion:**

01:34:28 Ms. Lee

01:35:40 **Substitute Motion/Vote:** Rep. Stahl moved that **HB 582 BE TABLED.** Motion carried 10-6 by roll call vote with Reps. Wiseman, Ebinger, Hands, Jacobson, Kottel, and Sands voting no.

**EXECUTIVE ACTION ON HB 489**

01:37:25 **Motion:** Rep. Hands moved that **HB 489 DO PASS.**

**Discussion:**

01:37:37 Rep. Hands

01:38:38 **Motion:** Rep. Sands moved that **HB 489 BE AMENDED.**  
**EXHIBIT**(loh34a11)

**Discussion:**

01:39:44 Ms. Lee

01:40:18 Rep. Nooney

01:41:08 **Vote:** Motion that **HB 489 BE AMENDED** carried  
unanimously by voice vote.

01:41:30 **Motion:** Rep. Wiseman moved that **HB 489 DO PASS AS AMENDED.**

**Discussion:**

01:41:43 Rep. Wiseman

01:43:36 Rep. Ankney

01:44:17 Rep. Ebinger

01:45:11 **Substitute Motion/Vote:** Rep. Stahl moved that **HB 489 BE TABLED**. Motion carried 9-7 by roll call vote with Reps. Wiseman, Ebinger, Grinde, Hands, Jacobson, Kottel, and Sands voting no.

**EXECUTIVE ACTION ON HB 295**

01:48:18 **Motion/Vote:** Rep. MacLaren moved that **HB 295 BE TABLED**. Motion carried 14-2 by roll call vote with Reps. Ebinger and Hands voting no.



**ADJOURNMENT**

Adjournment: 8:42 P.M.

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REP. ELSIE ARNTZEN, Chairman

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PAM SCHINDLER, Secretary

EA/ps

Additional Exhibits:

**EXHIBIT ([loh34aad.pdf](#))**